

MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

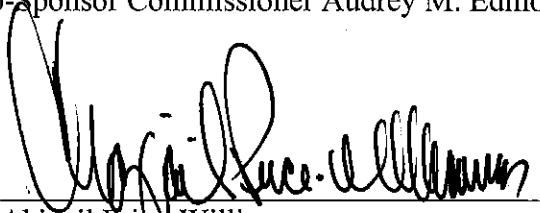
DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to preference for local businesses in County Contracting; amending section 2-8.5 of the Code; revising the definition of local business; requiring a local business to own or lease a local business location and show that, for at least one year prior to bid or proposal submission, such location served as the place of employment for at least one full time employee of the vendor; providing for investigation and enforcement and requiring vendor cooperation

This item was amended at the 9-14-16 Economic Prosperity Committee to: (1) allow a business owner to move from one address to another within Miami-Dade County and still be eligible for local preference as long as the business owner maintains the appropriate business licenses; (2) allow a business owner to meet the single employee requirement as long as the business owner is paid a reasonable salary; and (3) only require the administration to investigate businesses claiming local preference from a location zoned for residential uses when the contract award is for over \$500,000.00.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

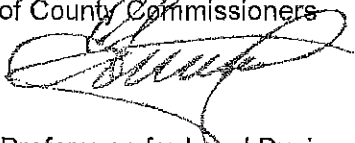
APW/smm

Memorandum



Date: October 5, 2016

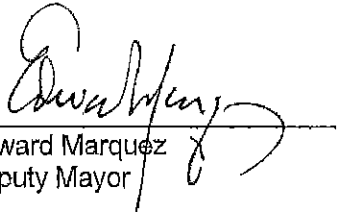
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance Relating to Preference for Local Businesses in County Contracting, Amending
Section 2-8.5 of the Code of Miami-Dade County Florida

The proposed ordinance relating to preference for local businesses in County contracting amends Section 2-8.5 of the Code of Miami-Dade County and revises the definition of a local business by requiring a local business to own or lease a local business location for a period of at least one year prior to bid or proposal submission in order to qualify for the local business preference. Such location shall also serve as the place of employment for at least one full-time employee of the vendor for one continuous year. The proposed ordinance will allow the County, in its sole discretion, to investigate any claim that a vendor receiving the local business preference is not a local business and further requires the County to investigate a claim that a vendor receiving the local business preference is located in an area zoned for residential uses.

It is anticipated that the implementation of this ordinance will have no fiscal impact; however, such impact may change due to several variables related to the number of claims to be investigated and the amount of resources required to fully resolve claims under the proposed ordinance.


Edward Marquez
Deputy Mayor

Fis08516 161616

Memorandum



Date: October 5, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Social Equity Statement to Ordinance Amending Section 2-8.5 of the Code of Miami-Dade County, Florida; Revising the Definition of Local Business in County Contracting

The proposed ordinance relating to preference for local businesses in County contracting amends Section 2-8.5 of the Code of Miami-Dade County and revises the definition of a local business by requiring a local business to own or lease a local business location for a period of at least one year prior to bid or proposal submission in order to qualify for the local business preference. Such location shall also serve as the place of employment for at least one full-time employee of the vendor for one continuous year. The proposed ordinance will allow the County, in its sole discretion, to investigate any claim that a vendor receiving the local business preference is not a local business and further requires the County to investigate a claim that a vendor receiving the local business preference is located in an area zoned for residential uses.

This amendment further clarifies the requirements for local business that are eligible for bid preferences in County contracts. There are no known social equity benefits or burdens that can be determined at this time.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)

10-5-16

ORDINANCE NO. _____

ORDINANCE RELATING TO PREFERENCE FOR LOCAL BUSINESSES IN COUNTY CONTRACTING; AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE DEFINITION OF LOCAL BUSINESS; REQUIRING A LOCAL BUSINESS TO OWN OR LEASE A LOCAL BUSINESS LOCATION AND SHOW THAT, FOR AT LEAST ONE YEAR PRIOR TO BID OR PROPOSAL SUBMISSION, SUCH LOCATION SERVED AS THE PLACE OF EMPLOYMENT FOR AT LEAST ONE FULL TIME EMPLOYEE OF THE VENDOR; PROVIDING FOR INVESTIGATION AND ENFORCEMENT AND REQUIRING VENDOR COOPERATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Section 2-8.5 of the Miami-Dade County Code of Ordinances currently provides bidding preferences to both local businesses and locally headquartered businesses with certain specified ties to Miami-Dade County; and

WHEREAS, Miami-Dade County's local preference ordinance ensures that local tax dollars stay in our community to generate additional economic development and jobs; and

WHEREAS, ensuring vendors truly operate local businesses instead of merely possess a local address for the purpose of obtaining a bidding preference to which they are not entitled undermines the policy behind the local business preference; and

WHEREAS, enhancing the investigation and enforcement mechanism for ensuring claims that businesses are entitled to the local business preference will further promote the economic development and jobs in the local economy,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.5. - Procedure to provide preference to local business in county contracts.

(1) Definitions.

* * *

- (c) Local business means the vendor has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business >>("Local Business Location")<<>>The vendor must own or lease the Local Business Location and the address<<>>or another Local Business Location where the owner maintains the appropriate business permits.<<²>>must have served as the place of employment for at least one full time employee of the vendor for the continuous period of one year prior to the bid or proposal submission.<< >>The owner of the business may be used to meet with the one full time employee requirement provided that the owner was paid a salary by the business for the one year period prior to bid or proposal submission at the Local Business Location.<< Local Firms who provide goods or services which are exempt from Miami-Dade Business Tax Receipt requirements shall be required to submit documentation, to the County's satisfaction, demonstrating the physical business presence of the firm within the limits of Miami-Dade County for at least one year prior to bid or proposal submission. Post Office Boxes are not verifiable and shall

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section.

>>The County may, in its sole discretion, investigate any claim that a vendor is not a local business and shall investigate any vendor that claims a Local Business Location located within an area zoned for residential uses<◇>for contracts whose award is valued at \$500,000.00 or more<◇>. The vendor shall, as a condition of award of a contract, and at any time after a contract is awarded, cooperate fully with any investigation which the County decides to conduct in connection with the vendor's claim to be a local business. The obligation to cooperate shall include, but not be limited to, the submittal to the County of any document supporting the vendor's claim to being a local business promptly upon request. Such documents shall constitute a public record and may not be submitted subject to any confidentiality or public record exemption. The County Mayor or County Mayor's designee shall provide information on any investigation conducted in any recommendation for award of a contract submitted to the Board of County Commissioner.<< A vendor who misrepresents the status of its firm under this Section in a proposal or bid submitted to the County will lose the privilege to claim any preference under this Section for a period of up to one year. The County Mayor, in his discretion, may also recommend that the firm be referred for debarment in accordance with Section 2-8.4.1 of the Code of Miami-Dade County.

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance

is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW
OR

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Audrey M. Edmonson